

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA :

v. :

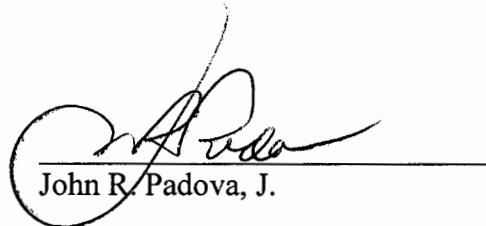
CRIMINAL NO. 10-663-6

MARK MILLER :
USM # 62645-066 :

ORDER

AND NOW, this 23rd day of January, 2017, pursuant to 18 U.S.C. § 3582(c)(2) and Amendment 782 to the Sentencing Guidelines, and by agreement of the parties, **IT IS HEREBY ORDERED** that Mr. Miller's term of imprisonment in this case is reduced to 188 months, effective November 1, 2015. Any and all pending *pro se* motions relating to Amendment 782 are moot and are hereby **DISMISSED**.¹

BY THE COURT:



John R. Padova, J.

¹By letter dated January 10, 2017, Mr. Miller asked that his sentence of imprisonment in this case be served concurrently with the sentence of imprisonment imposed in United States v. Mark Miller, Criminal No. 13-341-02 (E.D. Pa.). That request is denied.

**FEDERAL COMMUNITY DEFENDER OFFICE
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

FEDERAL COURT DIVISION DEFENDER ASSOCIATION OF PHILADELPHIA

SUITE 540 WEST -- THE CURTIS CENTER
601 WALNUT STREET
PHILADELPHIA, PA 19106

LEIGH M. SKIPPER
CHIEF FEDERAL DEFENDER

PHONE NUMBER (215) 928-1100
FAX NUMBER (215) 928-1112
FAX NUMBER (215) 928-0822
FAX NUMBER (215) 861-3159

HELEN A. MARINO
FIRST ASSISTANT FEDERAL DEFENDER

January 19, 2017

The Honorable John R. Padova
Senior United States District Court Judge
Room 17613 - United States Courthouse
601 Market Street
Philadelphia, PA 19106

***RE: United States v. Mark Miller
Criminal No. 10-663-06
Proposed Agreement for Sentence Reduction under 18 U.S.C. § 3582(c)(2)***

Dear Judge Padova:

This case was reviewed by the screening committee established in this district to review cases of defendants who may be eligible for sentence reductions pursuant to Amendment 782 to the Sentencing Guidelines which reduced the base offense levels for most drug offenses on November 1, 2014, and was made retroactive on that date. Pursuant to the Administrative Standing Order in this district, the Federal Community Defender was appointed to represent all defendants for purposes of the initial review process. A committee comprised of members of the United States Attorney's Office and the Federal Community Defender Office has reviewed this case.

The parties agree that the amendment applies to this case, and that the defendant is eligible for a sentence reduction pursuant to 18 U.S.C. § 3582(c)(2) and Amendment 782. We enclose a proposed Order for the Court's consideration.

Mr. Miller was previously sentenced to a total term of 212 months of imprisonment. The amendment reduces his applicable sentence to 188 months.

The Honorable John R. Padova
 January 19, 2017
 Page 2

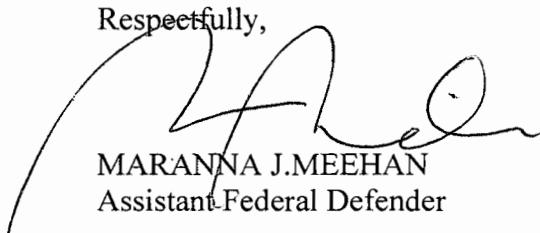
| DETERMINATION OF GUIDELINE RANGE | |
|---|-------------------------------------|
| Previous Total Offense Level: 38 | 2011 Crack Resentence: N/A |
| Criminal History Category: I | Amended Total Offense Level: 36/I |
| Previous Guideline Range: 235-293 (202-259) | Amended Guideline Range: 188-235 |
| Previous Sentence: 212 months | Amended Sentence: 188 months |

The United States Attorney's Office has reviewed the defendant's offense conduct, criminal history, and background as set forth in the presentence report, along with the BOP disciplinary report for this defendant. The government advises that apart from the information about the defendant's criminal conduct and history which was known and addressed at the initial sentencing in this case, the government is not aware of any other recent conduct which suggests the defendant poses a danger to any person or the community.

Pursuant to the enclosed consent form, Mr. Miller has indicated he wishes to accept the proposed agreement in lieu of pursuing a motion.

Thank you for your attention to this matter.

Respectfully,



MARANNA J.MEEHAN
 Assistant Federal Defender

MJM/se
 Enclosures

cc: Bernadette McKeon, Assistant United States Attorney (w/enclosure)
 Manuel Jimenez, Deputy Chief, United States Probation Officer (w/enclosure)
 Mark Miller, Reg. No. 62645-066

| DETERMINATION OF GUIDELINE RANGE | |
|---|-------------------------------------|
| Previous Total Offense Level: 38 | 2011 Crack Resentence: N/A |
| Criminal History Category: I | Amended Total Offense Level: 36/I |
| Previous Guideline Range: 235-293 (202-259) | Amended Guideline Range: 188-235 |
| Previous Sentence: 212 | Amended Sentence: 188 months |

I understand this determination of eligibility is a preliminary agreement pending receipt of my disciplinary record and further review by the parties. I also understand that the judge retains discretion to grant or deny the proposed agreement. I further consent for the Federal Community Defender Office for the Eastern District of Pennsylvania to represent me in this matter. By accepting this proposed reduction agreement, I agree that any and all prior pending *pro se* motion(s) with regard to a sentence reduction under Amendment 782 to the Sentencing Guideline is now moot.

Signature: Mark Miller

Print Name: MARK MILLER

Date: 1-10-2017